



ACT
Government

Justice and Community Safety

Via email:

Dear

I refer to your application under section 59 of the *Freedom of Information Act 1989* (the FOI Act), received by the Justice and Community Safety Directorate on 6 September 2017, in which you requested an internal review of a decision made on 2 September 2017 in relation to your request for:

All documents related to escapes and/or attempted escapes from the Alexander Maconochie Centre since January 1 2014.

Please exclude emails from the request above, but include all internal briefings, memos, incident reports and similar (including briefings provided to the relevant Minister(s) that include information on escape attempts).

I am the officer authorised under section 22 of the Act to make a decision in relation to your request of review.

Decision

I have conducted a thorough review of all documents within the scope of your request and have decided to partially release a number of documents that were previously fully exempted. The partial release of these documents are pursuant to a number of exemptions in the Act which include:

Section 41 Documents affecting personal privacy

Section 41 provides that:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person.*

Some of the documents provided to you contain personal information such as the names and personal details of detainees and journalists. I have redacted such personal information from these documents on the grounds of personal privacy. These redactions do not affect the substance of the documents.

Section 40 Documents concerning the operations of some agencies

Section 40 provides that:

- (1) *Subject to subsection (2), a document is an exempt document if its disclosure under this Act would, or could reasonably be expected to –*

- (d) have a substantial adverse effect on the operations on the proper and efficient conduct of the operations of an agency*
- (2) This section does not apply to a document the disclosure of matter in which under this Act would, on balance, be in the public interest.*

With regards to this provision of the Act, I consider the disclosure of information that could compromise the security of the Alexander Maconochie Centre (AMC) to not be in the public interest.

There is documentation and information captured within this request which covers information that detail security operations, personnel and processes of the AMC. Where pertinent, I have redacted such information within documents to allow for partial release.

However, some documents such as the Internal Management Reviews and the ACTCS Intelligence Report, contain very detailed information on the operational security of the AMC and cannot be released as to do so, could significantly compromise the security of the AMC. I have exempted these documents in full.

Section 37 Documents affecting enforcement of the law and protection of public safety
Section 37 provides that:

- (1) A document is an exempt document if its disclosure under this Act would, r could reasonably be expected to-*
- (b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information in relation to the enforcement or administration of the law*
- (2) A document is an exempt document if its disclosure under this Act would, r could reasonably be expected to-*
- (b) disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or could reasonably be expected to, prejudice the effectiveness of those methods or procedures; or*
 - (c) prejudice the maintenance or enforcement of lawful methods for the protection of public safety.*

The documents which these exemptions have been applied have been exempted in full. They are the Internal Management Reviews (IMR) and the ACTCS Intelligence Report. The exemptions applied under these provisions relate to a confidential sources of information and methods and procedures used for intelligence gathering and the investigation of evasions of the law. The release of these documents could reasonably pose a significant risk in undermining the effectiveness of methods necessary for investigating breaches of the law such as detainees escaping the AMC.

Section 35 Executive Documents

Section 35 provides that:

- (1) *A document is an exempt document if it is –*
- (a) *A document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive.*

Documents have been exempted in full where they contain information provided to Cabinet in confidence, the disclosure of which would reveal the deliberations of the Executive. There is one document that fits this category and it has been exempted in full.

Review rights

My decision is appealable under the Act. This means that, if you are dissatisfied with the outcome of this review, you have a right to seek a further review under *section 60* of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to the ACT Civil and Administrative Tribunal.

The Tribunal is an independent body. It can agree with, change, or reject the original decision, substitute its own decision, or send the matter back to the decision maker for reconsideration in accordance with Tribunal recommendations.

You are able to obtain an application form from the Tribunal (www.acat.act.gov.au) in order to apply for review. The form outlines all the information needed by the Tribunal to process a review promptly. There is a fee for lodgement of an appeal with the Tribunal. This fee may be remitted under certain circumstances. The postal address of the Tribunal is:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA ACT 2601

You have 28 days from the date of this letter to seek a review of the outcome.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Policy

Please be aware that, under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application may be released on the internet. In this instance I have decided to release these documents online.

A copy of the policy, with details about what information may be published on the internet, is available online at:

[http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy -
_Final.pdf](http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf).

If you have any queries in relation to this matter, please contact the Freedom of Information Contact Officer on .

Yours sincerely,

Richard Glenn
Deputy Director-General, Justice
Justice and Community Safety

20 September 2017